SFG 2023 | LEVEL 1 | Test #4 – Solutions | ForumIAS

Q.1) In India, separation of judiciary from the executive is enjoined by
a) the Preamble of the Constitution
b) a Directive Principle of State Policy
c) the Seventh Schedule
d) the conventional practice

Ans) b
Exp) Option b is the correct answer.
Directive Principles of State Policy (DPSP) is enshrined in Part-IV (Article 36 to 51) of the constitution.
According to Article 50, the State shall take steps to separate the judiciary from the executive in the public services of the State.
Accordingly, the Criminal Procedure Code (1973) separated the judiciary from the executive in the public services of the state. Prior to this separation, the district authorities like the collector, the sub-divisional officer, the tehsildar and so on used to exercise judicial powers along with the traditional executive powers. After the separation, the judicial powers were taken away from these executive authorities and vested in the hands of district judicial magistrates who work under the direct control of the state high court.
Source) UPSC CSE 2020

Q.2) Consider the following pairs:

List I	**List II**
Type of Writ	**Description**
1. Habeas Corpus	It protects an individual against unlawful imprisonment.
2. Mandamus	It prevents a court from exceeding its jurisdiction.
3. Prohibition	It directs a public servant to perform his legal duties.
4. Certiorari	It prevents illegal usurpation of public office by a person.

How many pairs given above are correctly matched?
a) Only one pair
b) Only two pairs
c) Only three pairs
d) All four pairs

Ans) a
Exp) Option a is the correct answer.
The Supreme Court (under Article 32) and the high courts (under Article 226) can issue the writs of habeas corpus, mandamus, prohibition, certiorari and quo-warranto. The Parliament (under Article 32) can empower any other court to issue these writs.
Pair 1 is correct: A writ of habeas corpus means that the court orders that the arrested person should be presented before it. It can also order to set free an arrested person if the manner or grounds of arrest are not lawful or satisfactory.
1) The writ of habeas corpus can be issued against both public authorities as well as private individuals. The writ is not issued in following cases:
    a. Detention is lawful

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b. The proceeding is for contempt of a legislature or a court
c. Detention is by a competent court
d. Detention is outside the jurisdiction of the court.

Pair 2 is incorrect: Mandamus writ is issued when the court finds that a particular office holder is not doing legal duty and thereby is infringing on the right of an individual.

2) The writ of mandamus cannot be issued against the following authorities:
   a. Against a private individual or body
   b. To enforce departmental instruction that does not possess statutory force
   c. When the duty is discretionary and not mandatory
   d. To enforce a contractual obligation
   e. Against the president of India or the state governors
   f. Against the chief justice of a high court acting in judicial capacity

Pair 3 is incorrect: Prohibition is the writ issued by a higher court (High Court or Supreme Court) when a lower court has considered a case going beyond its jurisdiction.

3) The writ of prohibition can be issued only against judicial and quasi-judicial authorities. It is not available against administrative authorities, legislative bodies, and private individuals or bodies.

Pair 4 is incorrect: Under Certiorari writ, the court orders a lower court or another authority to transfer a matter pending before it to the higher authority or court.

Whereas, Quo-Warranto means 'by what authority or warrant'. It is issued by the court to enquire into the legality of claim of a person to a public office. Hence, it prevents illegal usurpation of public office by a person. The writ can be issued only in case of a substantive public office of a permanent character created by a statute or by the Constitution. It cannot be issued in cases of ministerial office or private office. Unlike the other four writs, this can be sought by any interested person and not necessarily by the aggrieved person.

Source: Indian constitution at work class 11th NCERT. Chapter 2: Rights in the Indian Constitution. Page no- 41.

Indian polity by M Laxmikanth pdf. Page no- 223 to 226.

Q.3) With reference to the Lok Adalats in India, consider the following statements:

1. Only judicial officers can serve as the chairman or members of a Lok Adalat.
2. Cases which are pending in courts of law cannot be taken up in Lok Adalats.
3. Their decisions are final and binding and no appeal against their decision lies with any court.
4. The jurisdiction of Permanent Lok Adalats include cases related to public utility services.

Which of the statements given above is/are correct?

a) 3 and 4 only
b) 2 and 3 only
c) 1 and 3 only
d) 1 and 4 only

Ans) a

Exp) Option a is the correct answer.

Lok Adalats are one of the many Alternate Dispute Redressal (ADR) mechanisms in India. These were formed for settling disputes through conciliation and negotiation between the parties outside courts of law. These were created under the Legal Services Authorities Act, 1987.

Statement 1 is incorrect: According to the Legal Services Authorities Act, 1987; **every Lok Adalat organised for an area shall consist of such number of serving or retired judicial officers** and other persons of the area as may be specified by the agency organizing such Lok Adalat. Generally, a Lok Adalat **consists of a judicial officer as the chairman and a lawyer (advocate) and a social worker as members**.

Statement 2 is incorrect: Cases which are in pre litigation stages (not yet opened in a court of law), as well as those that are **already pending in a court of law**, both, can be brought to the Lok Adalats. Hence this statement is **incorrect.**

Statement 3 is correct: In order to make the **Lok Adalats effective** and not just an additional step in the judicial process, the Act provided that the **decision of the Lok Adalats is final (no appeal)** and **binding** on the parties (i.e the parties **have to follow the decision and instructions of the Lok Adalat)**.

However, it must be noted that this **does not mean** that the **parties don't have any other remedy** in this matter if they are dissatisfied with the decision. They can f**ile litigation in any court of law**, according to the jurisdiction of their case and **fight the case in a completely new beginning** there. However, it will **not be in continuance** of the **proceedings in the Lok Adalats**, as there **can be no appeal against their decisions**.

Statement 4 is correct: The **Legal Services Authorities Act, 1987** was **amended in 2002** to provide for establishment of **Permanent Lok Adalats (Section 22-B). These have been established to** specifically **deal with cases related to public utility services**, like **electricity, water supply**, municipal garbage disposal system, etc. Hence this statement is **correct.**

Knowledge Base:

There is no court fee payable when a matter is filed in a Lok Adalat. If a matter pending in the court of law is referred to the Lok Adalat and is settled subsequently, the court fee originally paid in the court on the complaints/petition is also refunded back to the parties.

Source: Indian Polity by Laxmikanth, 5th edition, Ch-35, Pg-35.4, 35.5;
https://nalsa.gov.in/lok-adalat

Q.4) The Courts in India can adjudicate which of the following types of cases?
1. A dispute between two citizens of India
2. A dispute between India and any of its neighbouring countries.
3. An International commercial arbitration
4. A dispute between the Centre and any state.

Select the correct answer using the code given below.
a) 1, 2, 3 and 4
b) 1 and 4 only
c) 1, 3 and 4 only
d) 1 and 3 only

Ans) c

Exp) Option c is the correct answer.

Judiciary is an important organ of the government that deals with Dispute Resolution; Judicial Review; and Upholds the Law and enforces Fundamental Rights of Indian citizens.

Statement 1 is correct. The **Supreme Court, High Court, Subordinate courts and tribunals** are authorized to resolve the disputes between two citizens. As the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Hence it lies under the jurisdiction of Judiciary.

Statement 2 is incorrect. The disputes between India and its neighbouring countries are resolved by **diplomatic methods, (not by Indian courts)** including negotiations, good offices, mediation, inquiry and conciliation. **Negotiations** between nations in conflict can be either **bilateral or multilateral** that are conducted directly between Heads of State or Ambassadors or special representatives of the countries involved.

The dispute between the rulings of courts of two different countries is dealt with by the **International Court of Justice.**

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Statement 3 is correct. Under the Arbitration and Conciliation Act, 1996, **International Commercial Arbitration can also be initiated in the Supreme Court**. For an international commercial arbitration, the Supreme Court must be petitioned. In the case of a domestic arbitration, the petition would lie before the high court within whose local limits the principal civil court is located

Statement 4 is correct. The **Supreme Court of India** under its Original Jurisdiction is empowered to resolve the disputes between the **Centre and one or more states;** or between the Centre and any state or states on one side and one or more other states on the other side.

Source: https://indiankanoon.org/doc/1265202/
:https://www.aa.com.tr/en/asia-pacific/indias-border-dispute-with-neighbors/1859854
https://www.egyankosh.ac.in/bitstream/123456789/24695/1/Unit-11.pdf
https://www.icj-cij.org/en/how-the-court-works
LAXMIKANT (PARLIAMENT; SUPREME COURT-6TH EDITION)

Q.5) Which of the following are the new climate targets announced by India at Conference of Parties 26, Glasgow?

1. To increase the non-fossil energy capacity to 5000 GW.
2. To meet half of its energy requirements from renewable energy by 2030.
3. To achieve the target of Net Zero carbon emission by 2070.
4. To increase biofuel production by 45% in the next decade.

Select the correct answer using the code given below:

a) 1 and 2 only
b) 2 and 3 only
c) 2, 3 and 4 only
d) 1, 2, 3 and 4

Ans) b

Exp) Option b is the correct answer.

India recently announced new climate targets at COP26 under its '**Panchamrit strategy**'. It has taken a bold leap towards cementing its commitment to clean energy and letting the world know its future approach towards fighting climate change.

India made **five big-ticket announcements** at the climate change meeting in Glasgow:

Statement 1 is incorrect. India will increase its **non-fossil energy capacity to 500GW** (*India had earlier extended its target to 450GW out of which 100GW is already installed*) by 2030.

Statement 2 is correct. India will meet **50% of its energy requirements from renewable energy by 2030**. Please note that renewable energy sources are different from non-fossil sources. Non-fossil sources also include, scalable nuclear power and hydroelectricity.

Statement 3 is correct. By the year **2070**, India will **achieve the target of Net Zero carbon emission**. By **2030,** India will reduce the **carbon intensity of its economy by 45%.** India has achieved 25% of emission intensity reduction of GDP b/w 2005 -2016, and is on the path to achieve more than 40% by 2030.

India will reduce the total projected carbon emissions by one billion tonnes from now onwards till 2030.

Statement 4 is incorrect. There is **no target to increase biofuel production** by 45% in the next decade, by India at Conference of Parties 26.

Source: India announces new climate targets at COP26 - Explained, pointwise -ForumIAS Blog.**5)**

Q.6) In India, which of the following Rights are guaranteed to an Indian citizen who is being arrested for an offence?

1. The Right to be informed about the grounds of arrest.
2. The Right to remain silent during the process of interrogation.

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3. The Right to be presented before a magistrate.
4. The Right to use confessions made in police custody as evidence for legal release.
Select the correct answer using the code given below.
a) 1 and 2 only
b) 1, 3 and 4 only
c) 3 and 4 only
d) 1, 2 and 3 only

Ans) d
Exp) Option d is the correct answer.
The person who is arrested for the criminal wrong or an any offence which has been mentioned in any code i.e., **Indian Penal Code, 1860 or Code of Criminal Procedure, 1973** has been granted certain rights under the Indian Constitution.
Statement 1 is correct. Article 22 (1) of the Indian Constitution and Section**-50, of CrPc 1973** states that no person who is arrested shall be detained in custody **without being informed of the offense committed** by the person being arrested. Section-50 of CrPc 1973 also mentions that if a person is arrested **without any warrant (legal document)** he/she should be immediately informed of the particulars of the type of offence which he has committed which has been mentioned in the code and states him whether the offence which he has committed is a **bailable offence** or a **non-Bailable offence.**
Statement 2 is correct. In The Case of **Nandini Sathpathy V. P.L.Dani,**, it was stated that no one can **force any accused to answer any questio**n or give a statement and the accused has the **right to remain silent during the process of interrogation.** It highlights **Article-20(3) of the Indian Constitution**, which says that no person accused of any offense shall be compelled to be a witness against himself i.e., the principle of Self-Incrimination. That means the accused has a **right to remain silent.**
Statement 3 is correct. Article 22(2) of the Indian Constitution states that every person who is arrested and detained in custody shall be **produced before the nearest magistrate** within a period of **twenty-four hours** of arrest **excluding the time necessary for the journey from the place of arrest to the court of the magistrate.** And no such person shall be detained in custody beyond the given period without the authority of a magistrate.
Statement 4 is incorrect. According to **Section 26 of the Indian Evidence Act,** any confession made by any person in the police custody c**annot be used as evidence** either against the accused or in favour of the accused for any legal release until and unless it has been proved in the immediate presence of a Magistrate as against or in favour of a person accused.
Source: LAXMIKANT (CH-FUNDAMENTAL RIGHTS)
https://www.constitutionofindia.net/constitution_of_india/fundamental_rights/articles/Article%2022#:~:text=Constitution%20of%20India&text=Protection%20against%20arrest%20and%20detention%20in%20certain%20cases.&text=(1)%20No%20person%20who%20is,legal%20practitioner%20of%20his%20choice.
https://indiankanoon.org/doc/148990448/#:~:text=Section%2026%20of%20the%20Indian,a%20confession%20made%20by%20a
https://www.legalserviceindia.com/legal/article-7839-rights-of-arrested-person.html

Q.7) With reference to the differences between Cognizable offences and non-Cognizable offences, consider the following statements:
1. Unlike Non-cognizable offences, Cognizable offences are those in which the police can arrest an accused without a warrant.
2. All Cognizable offences are bailable whereas all non-Cognizable offences are non-bailable.

3. Generally, Non-cognizable offences are less serious in nature as compared to Cognizable offences.
Which of the statements given above is/are correct?
a) 1 only
b) 2 and 3 only
c) 1 and 3 only
d) 1, 2 and 3

Ans) c

Exp) Option c is the correct answer.

In India, the major legislation governing the criminal trial in India is the Criminal Procedure Code, 1973 (Cr.PC) along with the Indian Evidence Act, 1872.

Statement 1 is correct. Cognizable offences are those in which the police **can investigate and arrest** the offender **without a warrant**. Examples of these are murder, rape, theft, rioting, robbery, and sedition. In **non-cognizable offenses**, the police do not have the power to arrest a person for a crime without a warrant. Examples of non-cognizable offences are assault, cheating, forgery, defamation, public nuisance, etc.

Statement 2 is incorrect. The **Cognizable offences** are both **bailable and non-bailable**. Whereas **Non-Cognizable offences** are **bailable**. Bailable offence means that bail can be taken as a right without any prohibition. Whereas non-bailable offences are offences the judge critically examines the facts and other relevant factors to decide whether to grant bail or not.

Statement 3 is correct. Non-cognizable offences are less serious or grave in nature. Non-serious crimes such as assault, cheating, forgery, defamation, public nuisance, etc. are non-cognizable offences. **Cognizable offences are generally serious crimes.** The Criminal Procedure Code, 1973 (CrPC) under Section 2(c) states that an offence that is punishable with death, imprisonment for life, or imprisonment for more than 3 years shall be cognizable.

Source: https://egyankosh.ac.in/bitstream/123456789/52040/1/Block-2.pdf
https://egyankosh.ac.in/bitstream/123456789/38901/1/Unit-1.pdf

Q.8) With reference to the Subordinate Courts in India, consider the following statements:
1. The District Judge has original jurisdiction but no appellate jurisdiction.
2. The District Judge does not have the authority to award capital punishment.
3. The District Judge has supervisory powers over the subordinate courts in the district.
Which of the statements given above is/ are correct?
a) 3 only
b) 1 and 2 only
c) 2 and 3 only
d) 1 and 3 only

Ans) a

Exp) Option a is the correct answer.

Subordinate Courts refer to various legal courts in a state, below the High Court. The Indian constitution makes some provisions to regulate the organisation of these courts in Articles 233 to 237 of Part VI. These courts (also alternatively known as Lower Courts) are also arranged hierarchically in subordination to the High Court of a state.

Statement 1 is incorrect: The D**istrict Judge** has **original** as well as **appellate jurisdiction** in **both, civil cases** as well as **criminal cases** in a **district**.

The **district judge** is the **highest judicial authority** in a **district**. He is known as a **District Judge**, when hearing **civil cases**, and is known as a **Sessions Judge**, when hearing **criminal cases**. Whatever the case or nomenclature, it is one and the same person adjudicating both types of cases.

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Statement 2 is incorrect: The D**istrict Judge** has the power to **award even the capital punishment (death sentence)**, while **hearing a criminal case**, as a **Sessions Judge**. Hence this statement is **incorrect**.
It must be noted that though a district judge **may award** the capital punishment, it **can be carried out, only if and when it is confirmed** by the **High Court** under which that Sessions Court falls. This is true for a**ll cases** where a **capital punishment has been announced** by the district judge, whether there has been an **appeal or not**.
Statement 3 is correct: The High Court does supervise all the subordinate courts in the state. But day to day supervisory powers over the various subordinate courts in a particular district, are vested in the District Judge. **He has supervisory powers over all the subordinate courts in the district.**
If any person has **any issues** with the o**rders and decisions** of the **district judge**, such a person may **appeal against** it in the **respective state's High Court**.
Source: Indian Polity by Laxmikanth, 5th edition, Ch-35, Pg-35.2

Q.9) Which of the following is/are features of the concept of 'Rule of Law' as applicable in India?
1. It is borrowed from the American Constitution.
2. It forms a part of the 'basic structure' of Indian constitution.
3. It signifies equal subjection of all citizens to the ordinary law of the land.
Select the correct answer using the code given below
a) 1 and 2 only
b) 3 only
c) 2 and 3 only
d) 2 only

Ans) c
Exp) Option c is the correct answer.
Rule of law is a concept propounded by A.V. Dicey.
Statement 1 is incorrect. The concept of **Rule of Law** is borrowed from the **British Constitution.** Whereas it is the **Equal Protection of law** whose element is **Rule by law** that is borrowed from the American Constitution.
Statement 2 is correct. The Rule of Law is one of the major elements of the 'basic structure' of the constitution. It is in the I**ndra Nehru Gandhi V Raj Narayan case** that the Supreme Court held that the 'Rule of Law' as embodied in Article 14 is **a 'basic feature' of the constitution.** Hence, it cannot be destroyed even by an amendment.
Statement 3 is correct. The concept of 'Rule of Law' has the following three elements or aspects:
1) Absence of arbitrary power, that is, no man can be punished except for a breach of law.
2) Equality before the law, that is, **equal subjection of all citizens (rich or poor, high or low, official or non-official) to the ordinary law of the land** administered by the ordinary law courts.
3) The primacy of the rights of the individual, that is, the constitution is the result of the rights of the individual as defined and enforced by the courts of law rather than the constitution being the source of the individual rights.

The first and the second elements are applicable to the Indian System and not the third one. In the Indian System, the constitution is the source of the individual rights.
Source: LAXMIKANT (CH-FUNDAMENTAL RIGHTS, BASIC STRUCTURE OF INDIAN CONSTITUTION, PIL)
https://m.thewire.in/article/law/supreme-court-pil-constitution-law/amp
https://blog.ipleaders.in/rule-law-relevance/

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Q.10) With reference to 'Web 3.0', consider the following statements:
1. It is the next version of the internet where data will be stored in centralized repositories governed by the central regulator.
2. The user of Web 3.0 will not be required to have an active internet connection to access online ecosystem.
3. The services of this version will make the use of blockchain technology.
Which of the statements given above is/are correct?
a) 2 and 3 only
b) 2 only
c) 1 and 3 only
d) 3 only

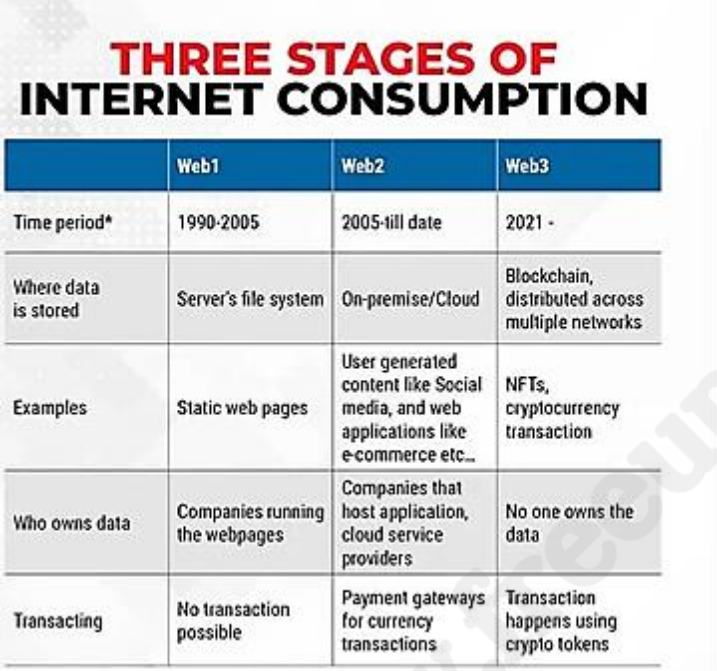
Ans) d

Exp) Option d is the correct answer.

Web 3.0 has emerged as a new tech buzzword. The term incorporates a bunch of next-gen ideas, all pointing towards elimination of the dominance of the big tech companies over the internet.

Statement 1 is incorrect. Web 3.0 will be permissionless and democratic. In a Web 3.0 universe, **people will control their own data** and will be able to move around from social media to email to shopping using a single personalized account, creating a public record on the blockchain of all of that activity.

All **data will be interconnected** in a **decentralized way**. In the current generation of the internet (Web 2.0), data is mostly stored in the centralised repositories.



THREE STAGES OF INTERNET CONSUMPTION

	Web1	Web2	Web3
Time period*	1990-2005	2005-till date	2021 -
Where data is stored	Server's file system	On-premise/Cloud	Blockchain, distributed across multiple networks
Examples	Static web pages	User generated content like Social media, and web applications like e-commerce etc...	NFTs, cryptocurrency transaction
Who owns data	Companies running the webpages	Companies that host application, cloud service providers	No one owns the data
Transacting	No transaction possible	Payment gateways for currency transactions	Transaction happens using crypto tokens

Statement 2 is incorrect. The user of Web 3.0 **will require active internet connection** to access online ecosystem. It is meant to "automatically" interface with systems, people and home devices. As such, content creation and decision-making processes will involve both humans and machines. This would enable the intelligent creation and distribution of highly-tailored content straight to every internet consumer.

Statement 3 is correct. Web 3.0 is the next version of the internet, where services will **run on blockchain**. It is a decentralized internet that runs on a public blockchain, which is also used for cryptocurrency transactions. It would make the internet more intelligent, or process information with near-**human-like intelligence** through the power of AI systems.

Source: Web 3.0: The future of internet? - Explained, pointwise -ForumIAS Blog
What Is Web 3.0? | Alexandria (coinmarketcap.com)

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Q.11) In India, Judicial Review implies
a) The power of the Judiciary to pronounce upon the constitutionality of laws and executive orders.
b) The power of the Judiciary to question the wisdom of the laws enacted by the Legislatures.
c) The power of the Judiciary to review all the legislative enactments before they are assented to by the President.
d) The power of the Judiciary to review its own judgements given earlier in similar or different cases.

Ans) a

Exp) Option a is the correct answer.

Judicial Review is the power of the Courts to determine the **constitutionality of the Legislative acts and executirders.** Judicial review is the power of the judiciary to examine the constitutionality of legislative enactments and executive orders of both the Central and State governments. On examination, if they are found to be violative of the Constitution (ultra vires), they can be declared as illegal, unconstitutional and invalid (null and void) by the judiciary. Consequently, they cannot be enforced by the Government.
The scope of judicial review before Indian courts has evolved in three dimensions:
1) to ensure fairness in administrative action.
2) to protect the constitutionally guaranteed fundamental rights of citizens
3) to rule on questions of legislative competence between the centre and the states
Source) UPSC CSE 2017

Q.12) Consider the following statements regarding the Gram Nyayalayas in India:
1. These have been created under the Legal Services Act, 1987.
2. Being a Civil Court, Gram Nyayalaya cannot try any criminal case.
3. The Gram Nyayalayas are guided by the principle of natural justice.
Which of the statements given above is/are correct?
a) 1 and 2 only
b) 2 only
c) 3 only
d) 1 and 3 only

Ans) c

Exp) Option c is the correct answer.

Gram Nyayalayas are mobile courts that have been created at the level of intermediate Panchayats, to ensure people have access to speedy and convenient justice near their location in small everyday matters. They were recommended by the 114th report of the Law Commission to improve access to justice at grass roots level.
Statement 1 is incorrect: Gram Nyayalayas have **statutory backing**, and have been created under the **Gram Nyayalaya Act, 2008 (not the Legal Services Act, 1987)**. Hence this statement is **incorrect**.
The **Legal Services Act, 1987** resulted in the formation of **Permanent Lok Adalats** at various levels manned by the **Legal Services authorities** at **national, state, district** as well as **Taluka level**.
The Gram Nyayalayas were envisioned to bring speedy justice in rural areas, to the doorstep of the people, at Panchayat level. Under the **Gram Nyayalaya Act, 2008**, it is the **respective State Government** which **decides** whether it will **set up Gram Nyayalayas** or not. This is done by the state government **in consultation** with the **respective High Courts**.
Statement 2 is incorrect: In order to provide **comprehensive access to justice at grassroots level**, the Act stipulated that the **Gram Nyayalayas**, despite being at a very small level, **can adjudicate both civil** and **criminal cases**. Hence this statement is **incorrect**.

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It must be noted that the **jurisdiction** of these courts in **civil and criminal matters is not complete and unlimited**. Rather it is **limited to only those criminal and civil matters** which are **specified in the First and Second schedule of the Act**. Both these **schedules can be amended** by **both - the Central** as well as **State Governments** to include or exclude certain matters from the jurisdiction of the Gram Nyayalayas in that particular state.

Statement 3 is correct: The Gram Nyayalaya shall not be bound by the rules of evidence provided in the Indian Evidence Act, 1872 but shall be guided **by the principles of natural justice and subject to any rule made by the High Court.**

Source: Indian Polity by Laxmikanth, 5th edition, Ch-35, Pg-35.8, 35.9, 35.6, 35.5

Q.13) Which of the following are considered as Criminal Offence under Indian laws?

1. Defacing, destroying or stealing of a property.
2. Breach of contract where money is owed to another party.
3. Torts involving personal injuries against private individuals.
4. Operating Gambling in public gaming houses.
5. Cultivation of opium, cannabis or coca plants without license.

Select the correct answer using the code given below.

a) 1, 2, 3 and 5 only
b) 2 and 5 only
c) 1, 4 and 5 only
d) 1, 2 and 4 only

Ans) c

Exp) Option c is the correct answer.

Criminal offence are acts that are unlawful and punishable by the specific laws of a state or a country. Whereas Civil offense means an act which is triable by a Criminal Court or by a special Judge appointed under the Criminal Law Amendment Act, 1952.

Civil law deals with acts related to individuals to which harm caused can be repaid by compensation or monetary relief. Criminal law deals with a crime that causes damage to a person which is an offence against society as well.

Statement 1 is correct. The offence of theft and Criminal Misappropriation that involve defacing, destroying, or stealing of a property is a **criminal offence under Section 378 of Indian Penal Code, 1860.** It is punishable with imprisonment of either description for a term which may extend to 3 years or with fine, or with both.

Statement 2 is incorrect. The Supreme Court recently ruled that mere breach of contract is not in itself a criminal offence and gives rise to the civil liability of damages. Any **breach of contract,** such as where items are not fit for purpose or when money is owed to another is **not considered a criminal offense** unless it involves something like fraud. It is considered a matter between private parties rather than something that affects society.

Statement 3 is incorrect. The law of torts in India is a body of law that addresses and provides remedies for non-contractual acts of civil wrongdoings (not criminal offences). It is concerned with personal injuries against private individuals. A tort can be against either a private individual or property. The property can be movable or immovable. The injured party receives monetary compensation**. The common forms of torts include trespass, assault, battery, negligence, nuisance, defamation, etc.** Even though many of these results in civil liability and criminal offence, torts are civil offences.

Statement 4 is correct. Gambling that involves risking or staking of money or any other valuable security is a **criminal offence** under the **Public Gambling Act 1867. The act** prohibits running or operating public

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gaming houses. Any violation of the law under this act could attract a fine of **Rs.200 or imprisonment of up to 3 months.**

Statement 5 is correct. The **Cultivation of opium, cannabis or coca plants without license** is a **criminal offence** under the **Narcotic Drugs and Psychotropic Substances Act, 1985.** The offence can account for rigorous imprisonment of up to 10 years and fine up to Rs.1 lakh on the accused.

Source: https://dor.gov.in/narcoticdrugspsychotropic/punishment-offences
https://www.legalpedia.co.in/legalnotes/difference-between-theft-and-criminal-misappropriation.html#:~:text=The%20Offences%20of%20Theft%20and,property%20for%20taking%20its%20possession.
https://lawrato.com/indian-kanoon/criminal-law/is-gambling-legal-in-india-heres-all-you-need-to-know-2837
https://www.government.nl/topics/crime-and-crime-prevention/forms-of-crime

Q.14) Which of the following provisions have been provided by the Constitution to ensure the independence of Supreme Court in India?
1. The salaries and allowances of the judges are not subjected to the vote of the Parliament.
2. Parliament cannot discuss the conduct of the judges under any condition.
3. The judiciary has the power to penalize those who are found guilty of Contempt of Court.
4. All appointments of officers and staffs of the Supreme Court are made by the Chief Justice of India.
Select the correct answer using the code given below:
a) 1 and 3 only
b) 3 and 4 only
c) 1, 3 and 4 only
d) 1, 2, 3 and 4

Ans) c

Exp) Option c is the correct answer.

The Indian Constitution has ensured the independence of the judiciary through a number of measures. The legislature is not involved in the process of appointment of judges. The Supreme Court has been assigned a very significant role in the Indian democratic political system. It is a federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and guardian of the Constitution.

Statement 1 is correct: The judiciary is not financially dependent on either the executive or legislature. The Constitution provides that the salaries and allowances of the judges are not subjected to the approval of the legislature. The salaries, allowances and pensions of the judges and the staff as well as all the administrative expenses of the Supreme Court are charged on the Consolidated Fund of India. Thus, they are non-votable by the Parliament.

Statement 2 is incorrect: Parliament cannot discuss the conduct of the judges except when the proceeding to remove a judge is being carried out. This gives the judiciary independence to adjudicate without fear of being criticized. The Constitution prohibits any discussion in Parliament or in a State Legislature with respect to the conduct of the judges of the Supreme Court in the discharge of their duties, except when an impeachment motion is under consideration of the Parliament.

Statement 3 is correct: The actions and decisions of the judges are immune from personal criticisms. The judiciary has the power to penalise those who are found guilty of contempt of court. This authority of the court is seen as an effective protection to the judges from unfair criticism. The Supreme Court can punish any person for its contempt. Thus, its actions and decisions cannot be criticized and opposed by anybody. This power is vested in the Supreme Court to maintain its authority, dignity and honour.

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Statement 4 is correct: To maintain the independence of the judiciary, the Chief Justice of India has been given powers to appoint officers and servants of the Supreme Court without any interference from the executive. He can also prescribe their conditions of service.
Source: Indian constitution at work class 11th NCERT. Chapter name- Judiciary. Page no-125 and 126.
Indian polity by M Laxmikanth pdf. Chapter name- supreme court. Page no-627 and 628.

Q.15) Consider the following pairs:

Landmark Cases often seen in Newspapers	***Related To***
1. Thwaha Fasal vs Union of India	Challenging the Constitutional validity of The Citizenship (Amendment) Act, 2019
2. Union of India vs K.A. Najeeb	Constitutional position of Lieutenant Governor of Delhi vis-a-vis the Council of Ministers
3. Paramvir Singh vs. Baljit Singh & Ors	Installation of CCTV cameras in police stations

How many pairs given above are correctly matched?
a) None of the pairs
b) Only one pair
c) Only two pairs
d) All three pairs

Ans) b
Exp) Option b is the correct answer.
This question is based on the article "**A new jurisprudence for political prisoners**".
Pair 1 is incorrectly matched. In **Thwaha Fasal Vs Union of India**, Supreme Court stated that- "Mere Association with a terrorist organisation as a member or otherwise will not be sufficient to attract the offence U/S38/39 Of **UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967**, unless The Association Is with Intention to Further Its Activities". Instead of presumption of innocence, the UAPA holds presumption of guilt of the accused. This makes it hard to obtain bail. This has been rectified in this judgement.
Pair **2 is incorrectly matched.** In **Union of India vs K.A. Najeeb (2021).** the larger Bench said that even the stringent provisions under Section 43D (5) of UAPA do not curtail the **power of the constitutional court to grant bail on the ground of violation of fundamental rights.** This case is **not related to** Constitutional role and position of Lieutenant Governor of Union Territory of Delhi.
Pair 3 is correctly matched. In Paramvir Singh vs. Baljit Singh & Ors, Special Leave Petition was filed to **examine the status of the installation of CCTV cameras in police stations** as well as the position of compliance with the dictates of Section 161(3) proviso of the CrPC. This section says that any statement made to the Police under this section may also be recorded by audio-visual electronic means. The Court impleaded all States and Union territories and asked them to submit the exact position of the CCTV cameras in every Police Station in their territory as well as the status of the constitution of the Oversight Committee.
Source: Towards a more humane race -ForumIAS Blog
A new jurisprudence for political prisoners -ForumIAS Blog
https://legal-wires.com/case-study/case-study-paramvir-singh-saini-v-baljit-singh-ors/

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Q.16) Consider the following statements with reference to the Collegium System of judicial appointments in India:
1. The principal objective of the Collegium System is to ensure that the best available talent is brought to the Supreme Court Bench.
2. The Collegium System was established by the Supreme Court through its judgement in the 'State of Madras v. Champakam Dorairajan' Case.
Which of the statements given above is/are correct?
a) 1 only
b) 2 only
c) Both 1 and 2
d) Neither 1 nor 2

Ans) a
Exp) Option a is the correct answer.
Statement 1 is correct: The ruling in the Third Judges Case where the collegium system finds its origin to the current system of appointment of judges and created the collegium of the Chief Justice of India and four senior-most judges. **It states that the principal objective of the collegium is to ensure that the best available talent is brought to the Supreme Court Bench.**
Statement 2 is incorrect: The collegium system finds its origins in the three cases called the "Judges cases" in India. In the 1981 SP Gupta case, also called the "first judges' case", the judges suggested that the executive must have the biggest say in judicial appointments. 12 years later, in 1993, a nine-judge bench in the "second judges' case" said that the CJI must be given priority in such appointments. **The Second Judges Case (1993) introduced the Collegium system**, holding that "consultation" really meant "concurrence". It added that it was not the CJI's individual opinion, but an institutional opinion formed in consultation with the two senior-most judges in the Supreme Court This was reiterated in the "third judges' case" in 1998.
Source: https://www.business-standard.com/article/current-affairs/sc-appointments-what-is-the-collegium-system-and-how-does-it-work-122101100824_1.html
https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiw2Jijhur6AhX6F7cAHcTBAEAQFnoECCIQAQ&url=https%3A%2F%2Findianexpress.com%2Farticle%2Fexplained%2Fprinciple-of-seniority-and-next-cji-chandrachuds-51-collegium-8203275%2F&usg=AOvVaw1-n9zBOTEVrykIEn4WICeO

Q.17) With reference to the State Administrative Tribunals (SAT) in India, consider the following statements:
1. Only the State Governments have the authority to establish SATs.
2. The Chairman and members of an SAT are appointed by the Governor after consultation with the High Court of the state concerned.
Which of the statements given above is/are correct?
a) 1 only
b) 2 only
c) Both 1 and 2
d) Neither 1 nor 2

Ans) d
Exp) Option d is the correct answer.
The Constitution in Article 323A, Part XIV A, gives the Parliament the authority to create any law to provide for establishment of Administrative Tribunals. The Parliament in 1985, passed a law pursuant to this power. This led to the establishment of a Central Administrative Tribunal (CAT) as well as many State Administrative Tribunals (SATs).

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Statement 1 is incorrect: The Administrative Tribunals Act of 1985 **empowers the Central government to establish the State Administrative Tribunals (SATs)** on specific request of the concerned state governments.
Under the powers granted by the constitution in **Article 323A**, the **Indian Parliament** passed the **Administrative Tribunals Act, 1985**. According to this law, the **authority** to **establish an administrative tribunal** (whether **Central** or **state**), lies with the **Central (not state) Government only.**
Statement 2 is incorrect: The **Chairman** and **members** of the **SAT** are **appointed** by the **President** (**not the Governor**) after **consultation with the Governor** (**not the Chief Justice of the High Court**) of the **state concerned.**
Source: Indian Polity by Laxmikanth, 5th edition,

Q.18) Consider the following statements:
1. It is a theory of judicial interpretation that encourages judges to limit the exercise of their own power.
2. According to this theory, the judges must try to stick to the laws enacted by the legislature.
3. This theory provides that judges should hesitate to strike down laws unless they are obviously unconstitutional.
The above statements refer to which of the following theories?
a) Judicial Activism
b) Judicial Overreach
c) Judicial Restraint
d) Judicial Review

Ans) c
Exp) Option c is the correct answer.
Judicial activism and judicial restraint are facets of that uncourageous creativity and pragmatic wisdom. Judicial Restraint is a theory of judicial interpretation that encourages judges to **limit the exercise of their own power**. Judicial restraint limits the power of a judge to interpret law in a broad manner or strike down a legislation. In judicial activism, the judge takes more freedom to deviate from conventional interpretation, so that a law can be applied to a given set of facts. He can overrule laws as well as judgments. According to the philosophy of judicial restraint, there is no scope of interpretation of the Constitution, and changes can be made through amendments only. In case of judicial activism, Constitution can be interpreted in a broad manner. According to the theory of judicial restraint, the judge **must stick to the laws enacted by the legislature and should uphold them unless they are unconstitutional.** In judicial activism, the judge can interpret laws according to the changing needs of the society and prevent injustice.
When the judiciary appears to have transgressed its jurisdiction, triggering a grave **violation of the doctrine of separation of powers, the term "judicial overreach**" is widely used. It is also commonly known as judicial adventurism.
Source: Laxmikanth 6th edition chapter-28 page-28.2
http://www.legalservicesindia.com/article/2019/Judicial-Activism-and-Judicial-Restraint.html#:~:text=Judicial%20Restraint%20is%20a%20theory%20of%20judicial%20interpretation,strike%20down%20laws%20unless%20they%20are%20obviously%20unconstitutional.

Q.19) Which of the following doctrines provides that, 'when some particular provision of a statute is against the Constitution, only that offending provision will be declared void by the Court and not the entire statute'?
a) Doctrine of Pith and Substance
b) Doctrine of Eclipse

c) Doctrine of Severability
d) Doctrine of Colourable Legislation

Ans) c

Exp) Option c is the correct answer.

While interpreting the Constitution, the Supreme Court is guided by a number of doctrines. The important doctrines are mentioned below:

Option a is incorrect: The Doctrine of Pith and Substance states that if the substance of legislation falls within a legislature's lawful power, the legislation does not become unconstitutional just because it impacts an issue beyond its area of authority.

Option b is incorrect: The Doctrine of Eclipse says that any law inconsistent with Fundamental Rights is not invalid. It is not dead totally but overshadowed by the fundamental right. The inconsistency (conflict) can be removed by a constitutional amendment to the relevant fundamental right so that eclipse vanishes and the entire law becomes valid.

Option c is correct: The **Doctrine of Severability** means that when some particular provision of a statute offends or is against a constitutional limitation, **only that offending provision will be declared void by the Court and not the entire statute.** Article 13 of the Constitution of India provides for Doctrine of severability which states that all laws in force in India before the commencement of Constitution shall be void in so far, they are inconsistent with the provisions of the Constitution.

Option d is incorrect: The Doctrine of Colourable Legislation strictly prohibits doing indirect things when it is not allowed to do so directly. It tests whether the legislature has enacted a law as per its authorised competency or not.

Source:
https://www.smmpalwal.com/SILR_PALWAL/pdf/4thsem/llb6/Principles%20of%20Constitutional%20Interpretation-converted.pdf
https://blog.ipleaders.in/doctrine-of-severability/

Q.20) With reference to Remote Voting, consider the following statements:
1. Election Commission of India has introduced 'Remote Voting' which is based on Aadhar linked internet connected devices.
2. It will allow electors to vote from locations other than assigned polling stations.
3. It has been made mandatory for all the senior citizens and physically handicapped persons from 2022 by Election Commission of India.

Which of the statements given above is/are correct?
a) 1 and 2 only
b) 2 only
c) 2 and 3 only
d) 1 and 3 only

Ans) b

Exp) Option b is the correct answer.

This question is based on the article **"Poll commission plans to map migrant population for remote voting"**.

Statement 1 is incorrect. Election Commission of India is **planning** to introduce 'Remote Voting' in remote areas. **Remote Voting** will be a voting machine which has **no linkage with the Internet**. It will mostly be an **EVM.** Election Commission would find areas with around 1000-1500 remote voters and will make arrangements and set up a booth.

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At the Booth, EC is trying to develop and deploy a machine that has an electronic display which will show the ballot paper of the voter's constituency once they press a number on the screen.
After voting, the machines **can be sealed** and depending on the states, EC can fly them for counting to one location.
Statement 2 is correct. Remote voting refers to a mechanism that **allows electors to vote from locations other than polling stations assigned to their registered constituencies**. There are lakhs of voters who are unable to exercise their voting rights on account of **geographical barriers** due to different reasons, remote voting aims to bridge that gap. This will make the electoral process more **inclusive**.
Statement 3 is incorrect. The Election Commission has **planned to start mapping the population of migrant workers** across the country to prepare a roadmap for the introduction of remote voting. It has **not yet made it mandatory** for any section of the society.
Source: Poll commission plans to map migrant population for remote voting -ForumIAS Blog

Q.21) Consider the following statements:
1. The motion to impeach a Judge of the Supreme Court of Indian cannot be rejected by the Speaker of the Lok Sabha as per the Judges (Inquiry) Act, 1968.
2. The Constitution of India defines and gives details of what constitutes 'incapacity and proved misbehaviour' of the Judges of the Supreme Court of India.
3. The process of impeachment of the Judges of the Supreme Court of India is given in the Judges (Inquiry) Act, 1968.
4. If the motion for the impeachment of a Judge is taken up for voting, the law requires the motion to be backed by each House of the Parliament and supported by a majority of total membership of that House and by not less than two-thirds of total members of that House present and voting.
Which of the statements given above is/are correct?
a) 1 and 2 only
b) 3 only
c) 3 and 4 only
d) 1, 3 and 4 only

Ans) c
Exp) Option c is the correct answer.
Statement 1 is *incorrect*. According to provisions of Judges (Inquiry) Act, 1968, the motion to impeach a judge of the Supreme Court of India **can be rejected by the Speaker** of the Lok Sabha.
Statement 2 is *incorrect*. The Constitution of India **does not define** or give details of what constitutes 'incapacity and proved misbehaviour' of the Judges of the Supreme Court of India.
Statement 3 is correct. The **Judges Enquiry Act (1968) regulates** the procedure relating to the **removal of a judge of the Supreme Court** by the process of impeachment. It states that a removal motion signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha) is to be given to the Speaker/ Chairman.
Statement 4 is correct. If the motion for the impeachment of a Judge is taken up for voting, the law requires the motion to be backed by each House of the Parliament and supported by a majority of total membership of that House and by not less than two-thirds of total members of that House present and voting. After the motion is passed by each House of Parliament, an address is presented to the president for removal of the judge. Finally, the president passes an order removing the judge.
Source) UPSC CSE 2019

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Q.22) Consider the following statements with reference to the decisions of the Supreme Court in the Kesavananda Bharati Case (1973):
1. Supreme Court ruled that Parliament cannot violate the 'Basic Structure' of the Constitution through amendments.
2. Supreme Court reserved to itself, the right to decide which part of the Constitution forms the Basic Structure.
3. The Supreme Court upheld its earlier decision and held that Preamble is not a part of the Constitution.
Which of the statements given above is/are correct?
a) 1 only
b) 1 and 2 only
c) 2 and 3 only
d) 1, 2 and 3

Ans) b
Exp) Option b is the correct answer.
Statement 1 is correct: In 1973, the Supreme Court gave a decision that has become very important in regulating the relations between the Parliament and the Judiciary since then**. In the famous Kesavananda Bharati case supreme Court ruled that there is a basic structure of the Constitution and it cannot be violated by parliament through amendment.**
1) In the Kesavananda Bharati case (1973), the Supreme Court overruled its judgment in the Golak Nath case (1967) and upheld the validity of the 24th Amendment Act (1971) and stated that Parliament is empowered to abridge or take away any of the Fundamental Rights. At the same time, it laid down a new doctrine of the 'basic structure' of the Constitution.
Statement 2 is correct: Supreme court in the Kesavananda Bharati case (1973) reserved to itself the right to decide whether various matters are part of the basic structure of the Constitution. This case is perhaps the best example of how judiciary uses its power to interpret the Constitution. The Supreme Court is yet to define or clarify as to what constitutes the 'basic structure' of the Constitution.
Statement 3 is incorrect: In the Berubari Union case (1960) the Supreme Court specifically opined that Preamble is not a part of the Constitution. **In the Kesavananda Bharati case (1973) the Supreme Court rejected its earlier opinion in Berubari Union case (1960) and held that Preamble is a part of the Constitution.** It observed that the Preamble is of extreme importance and the Constitution should be read and interpreted in the light of the grand and noble vision expressed in the Preamble. In the LIC of India case (1995) also, the Supreme Court again held that the Preamble is an integral part of the Constitution.
Source: Indian constitution at work class 11th NCERT. Page no -142.
Chapter name- Preamble of the constitution, page no- 133

Q.23) Consider the following statements with reference to the Supreme Court and the High Courts:
1. Both the Supreme Court and the High Courts are empowered to issue writs for the enforcement of fundamental rights of a citizen.
2. Unlike Supreme Court, the High Courts cannot issue writs for the enforcement of rights other than fundamental rights.
3. Under Public Interest Litigation, a person can approach the court for enforcing the rights of other persons.
Which of the statements given above is/are correct?
a) 1 and 2 only
b) 3 only
c) 1 and 3 only
d) 1, 2 and 3

Ans) c

Exp) Option c is the correct answer.

Judiciary is entrusted with the task of protecting rights of individuals. The Constitution provides two ways in which the Supreme Court and the High Courts can remedy the violation of rights:

1) It can restore fundamental rights by issuing writs of Habeas Corpus; mandamus etc. (article 32). The High Courts also have the power to issue such writs (article 226).
2) The Supreme Court and the High Courts can declare a law as unconstitutional and therefore non-operational (article 13).

Statement 1 is correct: The Constitution has constituted the Supreme Court as the guarantor and defender of the fundamental rights of the citizens. **The Supreme Court under article 32 is empowered to issue writs including habeas corpus, mandamus, prohibition, quo warranto and certiorari for the enforcement of the fundamental rights of an aggrieved citizen**. **The high courts under Article 226 are also empowered to issue writs for the enforcement of the Fundamental Rights.** It means, when the Fundamental Rights of a citizen are violated, the aggrieved party has the option of moving either the high court or the Supreme Court directly.

Statement 2 is incorrect: There is also a difference between the writ jurisdiction of the Supreme Court and that of the high court. The Supreme Court can issue writs only for the enforcement of the Fundamental Rights and not for other purposes. T**he high court, on the other hand, can issue writs not only for the enforcement of the fundamental rights but also for other purposes. It means that the writ jurisdiction of the high court is wider than that of the Supreme Court.**

Statement 3 is correct: The introduction of Public Interest Litigation in India was facilitated by the relaxation of the traditional rule of 'locus standi'. According to this rule, only that person whose rights are infringed alone can move the court for the remedies. However, under the **Public Interest Litigation, any member of the public having 'sufficient interest' can approach the court for enforcing the rights of other persons and redressal of a common grievance.**

Source: Indian constitution at work. Page no- 138.

Indian polity by M Laxmikanth pdf. Chapter name- Supreme court, Judicial review and public interest litigation. Page no- 631,644,672

Q.24) Which of the following is considered as the final interpreter of the Indian Constitution?

a) Parliament of India
b) Supreme Court of India
c) President of India
d) Council of Ministers

Ans) b

Exp) Option b is the correct answer.

The **Supreme Court of India** is the **final interpreter of the Indian Constitution**. The Supreme Court is the **highest appellate Court of India,** and it exercises its appellate jurisdiction in all civil, criminal, and constitutional matters. The Supreme Court has been vested with advisory jurisdiction to advise the President on any question of fact or law that may be referred to it. It upholds the federal principle of maintaining the balance between the various organs of government and the centre and the states; it guards and protects the fundamental rights of the citizens; it ensures the constitutional validity of legislative, quasi-legislative, executive, or quasi-judicial actions of the state; it also Interprets the laws made by the government.

Source: https://egyankosh.ac.in/bitstream/123456789/70387/1/Unit-5C.pdf

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Q.25) With reference to customer centric initiatives of RBI, consider the following statements:
1. Retail Direct Scheme has been launched by RBI to provide credit access to 'non-schedule banks' in India.
2. Integrated Ombudsman Scheme aims at resolving customer complaints against all the entities that is regulated by RBI.
Which of the statements given above is/are correct?
a) 1 only
b) 2 only
c) Both 1 and 2
d) Neither 1 nor 2

Ans) b
Exp) Option b is the correct answer.
Statement 1 is incorrect. RBI Retail Direct Scheme aims to **enhance access to the government securities market for retail investors (not for** 'non-schedule banks'**).** Under the scheme, retail investors will be able to easily **open and maintain their government securities account online with the RBI,** free of cost. RBI had announced the scheme in its February 2021 monetary policy Through this account, they can directly invest in securities issued by the Government of India and the State Governments.
Statement 2 is correct. Integrated Ombudsman Scheme aims to further improve the grievance redress mechanism for resolving customer complaints **against all the entities** regulated by RBI. **The scheme is based on 'One Nation-One Ombudsman'.** This means that there will be one portal, one email, and one address for customers to file their complaints.
Source: PM to launch two innovative customer centric initiatives of RBI -ForumIAS Blog

Q.26) Consider the following statements with reference to the concept of 'Separation of Powers':
1. It is an organizational structure where responsibilities and powers are divided between groups rather than being centrally held.
2. The doctrine of Separation of Powers is the basis of the American Presidential system.
3. Separation of Powers between the legislature, executive and judiciary is an element of basic structure of Indian Constitution.
Which of the statements given above are correct?
a) 1 and 2 only
b) 2 and 3 only
c) 1 and 3 only
d) 1, 2 and 3

Ans) d
Exp) Option d is the correct answer.
Statement 1 is correct: Separation of powers is an organizational structure where responsibilities, authorities, and powers are divided between groups rather than being centrally held. Separation of powers is most closely associated with political systems, in which the legislative, executive, and judicial powers of government are vested in separate bodies.
Statement 2 is correct: The doctrine of separation of powers is the basis of the American presidential system. The legislative, executive and judicial powers of the government are separated and vested in the three independent organs of the government.
Statement 3 is correct: From the various judgements of the Supreme Court, the following have emerged as **'basic features'** of the Constitution or elements of the 'basic structure' of the constitution:
1) Supremacy of the Constitution
2) Sovereign, democratic and republican nature of the Indian polity

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3) Secular character of the Constitution
4) **Separation of powers between the legislature, the executive and the judiciary**
5) Federal character of the Constitution
6) Unity and integrity of the nation
7) Welfare state (socio-economic justice)
8) Judicial review
9) Freedom and dignity of the individual
10) Parliamentary system

Source: https://www.investopedia.com/terms/s/separation-powers.asp
Indian polity by M Laxmikanth pdf. Page no-229,289.

Q.27) With reference to the Advisory Jurisdiction of the Supreme Court, consider the following statements:
1. Whenever the President seek the advice of Supreme Court in any matter, the Court is obligated to give an opinion.
2. The opinion expressed by the Supreme Court under its Advisory Jurisdiction is always considered as a judicial pronouncement.
3. The President can ask for the Court's opinion on any question of law but not on a question of fact.
Which of the statements given above is/are correct?
a) 1 and 3 only
b) 2 only
c) 1 and 2 only
d) None of the above

Ans) d
Exp) Option d is the correct answer.
Advisory Jurisdiction of the Supreme Court
Statement 1 is incorrect: The Constitution (Article 143) authorises the President to seek the opinion of the Supreme Court in the two categories of matters:
1) On any question of law or fact of public importance which has arisen or which is likely to arise.
2) On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, sanad or other similar instruments.

In the first case, **the Supreme Court may tender or may refuse to tender its opinion to the President.** But, in the second case, the Supreme Court 'must' tender its opinion to the President.
Statement 2 is incorrect: In both the cases, the opinion expressed by the Supreme Court is **only advisory and not a judicial pronouncement.** Hence, it is not binding on the president; he may follow or may not follow the opinion. However, it facilitates the government to have an authoritative legal opinion on a matter to be decided by it.
Statement 3 is incorrect: The Constitution (Article 143) authorises the President to seek the opinion of the Supreme Court in the two categories of matters:
1) On **any question of law or fact** of public importance which has arisen or which is likely to arise.
2) On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, sanad or other similar instruments.

Source: Pages 624-625, Chapter 26, Indian polity by M. Laxmikant

Q.28) Consider the following statements with reference to Tribunals in India:
1. The original Constitution did not contain provisions with respect to tribunals.
2. A tribunal for the adjudication of tax-related disputes can be established only by the Parliament.
3. Article 323B of the Constitution provides for the establishment of administrative tribunals in India.

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Which of the statements given above is/are correct?
a) 1 only
b) 2 and 3 only
c) 1 and 3 only
d) 1 and 2 only

Ans) a
Exp) Option a is the correct answer.
Tribunals are institutions established for discharging judicial or quasi-judicial duties. The objective is to reduce case load of the judiciary or to bring in subject expertise for technical matters.
Statement 1 is correct: The original Constitution did not contain provisions with respect to tribunals. The 42nd Amendment Act of 1976 added a new Part XIV-A to the Constitution. This part is entitled as 'Tribunals' and consists of only two Articles–Article 323 A dealing with administrative tribunals and Article 323 B dealing with tribunals for other matters.
Statement 2 is incorrect: Under Article 323 B, the Parliament and the state legislatures are authorised to provide for the establishment of tribunals for the adjudication of disputes relating to the following matters:
(a) Taxation
(b) Foreign exchange, import and export
(c) Industrial and labour
(d) Land reforms
(e) Ceiling on urban property
(f) Elections to Parliament and state legislatures (g) Food stuffs
(h) Rent and tenancy rights
Statement 3 is incorrect: A**rticle 323 A empowers the Parliament to provide for the establishment of administrative tribunals** for the adjudication of disputes relating to recruitment and conditions of service of persons appointed to certain specified public services. In other words, Article 323 A enables the Parliament to take out the adjudication of disputes relating to service matters from the civil courts and the high courts and place it before the administrative tribunals.
While Article 323 A contemplates establishment of tribunals for public service matters only, Article 323 B contemplates establishment of tribunals for certain other matters.
Source: Indian Polity by Laxmikanth, 6th Edition: Chapter-35

Q.29) Which among the following are quasi-judicial body?
1. National Green Tribunal
2. Central Information Commission
3. Election Commission
4. NITI Aayog
5. Reserve Bank of India
Select the correct answer using the code given below:
a) 1, 2, 3 and 5 only
b) 2, 3 and 4 only
c) 1, 3 and 5 only
d) 1, 2, 3, 4 and 5

Ans) a
Exp) Option a is the correct answer.

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A quasi-judicial body is a body which has powers and procedures resembling those of a court of law or judge such as an arbitrator or tribunal board. It is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action.

Option 1 is correct: The **National Green Tribunal** is a **statutory quasi-judicial body** created as a result of National **Green Tribunal Act 2010. It is created** for effective and e**xpeditious disposal of cases** relating to **environmental protection and conservation of forests** and other natural resources. Thus, it is a q**uasi-judicial body**, **adjudicating** on **environmental matters**. Hence this option is **correct**.

Option 2 is correct: The **Central Information Commission (CIC)** is a **statutory body** created under the **Right to Information Act, 2005**. The Commission has certain **powers and functions** mentioned in **sections 18, 19, 20 and 25** of the RTI Act, 2005. These broadly relate to **adjudication in second appeal for giving information; direction for record keeping, suo motu disclosures** receiving and **enquiring into a complaint** on inability to file RTI, etc. Hence the CIC is a **specialised body adjudicating** on matters related to **transparency in governance**. Thus, CIC is a Quasi-Judicial body. Hence this option is **correct.**

Option 3 is correct: The **Election Commission of India (ECI)** is a **constitutional body** created under **Article 324** of the Indian constitution. Apart from its **other responsibilities**, it also acts **like a court of law on matters like disqualifications of members of Parliament or state legislatures**, or for **punishing people/ political parties violating the model code of conduct** during the elections, etc. Hence it is a **specialised body adjudicating on certain matters** related to **elections.** Thus, ECI is a Quasi-Judicial body. Hence this option is **correct.**

Option 4 is incorrect: The **NITI Aayog is a think tank** that has **replaced the Planning Commission** in 2014. It is an **advisory body** that helps the **Central and state governments coordinate** on various issues and policies through **cooperative federalism**. This is done by **researching policies and publishing reports and advisories and model laws** for the governments to act on. This body **does not have the power to adjudicate** on any matter, **or award any sort of punishments.** Hence it is **not a quasi-judicial body** and this option is **incorrect.**

Option 5 is correct: Reserve Bank of India is a **statutory** as well as r**egulatory body** created under the **Reserve Bank of India Act, 1935**. It is India's **central bank** whose main responsibility is to **regulate the banking sector.** It is also considered to be a **quasi-judicial body,** as it has the **power to punish** any **individual or bank found breaking the various regulations** created for the banking sector. Hence this option is **correct.**

Source: https://blog.forumias.com/answered-what-is-a-quasi-judicial-body-explain-with-the-help-of-concrete-examples/
https://www.greentribunal.gov.in/about-us
https://cic.gov.in/introduction
Indian Polity by Laxmikanth, 5th edition, Ch-42, Pg-42.5

Q.30) Which one of the following statements correctly describe the purpose of 'O-SMART' scheme, recently seen in news?

a) The scheme aims to mentor and provide guidance to selected 'outstanding' students of higher elementary schools in India.
b) The scheme aims at stepping up ocean research and early warning weather systems.
c) The scheme aims to develop an intelligent traffic management system in urban metropolitan cities in India.
d) The scheme aims to step-up the manufacturing of electronic components for satellite production in India.

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Ans) b

Exp) Option b is the correct answer.

The Cabinet Committee on Economic Affairs has approved the continuation of the umbrella scheme "Ocean Services, Modelling, Application, Resources and Technology (O-SMART)" for the period from 2021-26.

Option b is correct. O-SMART scheme: The O-SMART Scheme was launched by the **Ministry of Earth Sciences.** It aims at **stepping up ocean research** and setting up **early warning weather systems**. It addresses ocean development activities such as services, technology, resources, observations and science and provides necessary scientific and technological background required for implementation of various aspects of Blue Economy.

Objectives of the scheme:

(a) To provide forecasts and services based on the continuous observation of oceans

(b) To develop technologies and exploratory surveys for the sustainable harnessing of oceanic resources (both living and non-living) and

(c) To promote front-ranking research in ocean sciences.

Source: Cabinet approves continuation of the umbrella scheme "Ocean Services, Modelling, Application, Resources and Technology (O-SMART)" -ForumIAS Blog

Q.31) With reference to India, consider the following statements:

1. Judicial custody means an accused is in the custody of the concerned magistrate and such accused is locked up in police station, not in jail.
2. During judicial custody, the police officer in charge of the case is not allowed to interrogate the suspect without the approval of the court.

Which of the statements given above is/are correct?

a) 1 only
b) 2 only
c) Both 1 and 2
d) Neither 1 nor 2

Ans) b

Exp) Option b is the correct answer.

The provisions for custody in India are governed by Section 167 of the Code of Criminal Procedure. A person may be held in the custody of the police or in judicial custody. The first thing that happens to a suspect on arrest is that he is taken into police custody, following which he is taken before a magistrate. From there, he may either be remanded to judicial custody or be sent back into police custody.

Statement 1 is *incorrect.* Police Custody means that police has the physical custody of the accused while **Judicial Custody means an accused is in the custody of the concerned Magistrate**. In Police custody, the accused is lodged in police station lockup while in **Judicial Custody**, **he is locked up in the jail.**

Statement 2 is correct. During Judicial Custody, the police officer in charge of the case is **not allowed to interrogate the suspect. However, the court may allow the interrogations to be conducted** if it opines the interrogation being necessary under the facts produced before the court.

However, during police custody, the police officer in charge of the case, may interrogate the suspect.

Source) UPSC CSE 2021

Q.32) Consider the following statements with respect to the 'Ad Hoc' Judges in the Indian Judiciary:

1. There is no Constitutional provision for the appointment of Ad Hoc judges in the Supreme Court.
2. During discharge of official duties, an Ad Hoc judge enjoys all the jurisdiction and powers as that of a regular judge of the court.
3. The President of India appoints the Ad Hoc judge.

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Which of the statements given above is/are correct?
a) 1 and 3 only
b) 2 only
c) 1 and 2 only
d) 2 and 3 only

Ans) b
Exp) Option b is the correct answer.
An ad hoc judge is a judge appointed by a special procedure for a specific project, case, or period only—as opposed to, and in contrast to, a regular judge.
Statement 1 and 3 are incorrect: According to the Indian Constitution, **the Chief Justice of India (CJI) can appoint a judge of a High Court as an ad hoc judge of the Supreme Court for a temporary period. An ad hoc judge can be appointed** when there is a lack of quorum of the permanent judges to hold or continue any session of the Supreme Court. CJI can do so only after consultation with the chief justice of the High Court concerned and with the previous consent of the president. The judge so appointed should be qualified for appointment as a judge of the Supreme Court.
Statement 2 is correct: An ad hoc judge will also enjoy all the jurisdiction, powers and privileges of a judge of that concerned court.
Note: While attending the court proceedings in Supreme Court, ad hoc judge enjoys all the jurisdiction, powers and privileges (and discharges the duties) of a judge of the Supreme Court.
Source: **Indian polity by M. Laxmikant**

Q.33) Which of the following are included in the original jurisdiction of the Supreme Court of India?
1. The dispute between the Union Government and the state governments.
2. The dispute regarding the distribution of water of the inter-state rivers.
3. The dispute regarding the enforcement of fundamental rights of citizens.
4. The disputes relating to the election of members of Parliament.
Select the correct answer using the code given below.
a) 1, 2 and 3 only
b) 3 and 4 only
c) 1 and 3 only
d) 1, 3 and 4 only

Ans) c
Exp) Option c is the correct answer.
The Supreme Court has original, appellate and advisory jurisdiction.
Article 131 of the Indian Constitution deals with the original jurisdiction of the Supreme Court. Original jurisdiction of a court refers to a matter for which the particular court is approached first.
Statement 1 is correct. Article 131 provides that the Court will be competent to exercise original jurisdiction in **disputes where the Union Government and one or more states constitute one party and one or more states constitute the other party.**
Statement 2 is incorrect. The original jurisdiction of the Supreme Court **does not extend to inter-state water disputes.** The **Inter-State Water Disputes Act of 1956** has excluded the original jurisdiction of the Supreme Court in disputes between states with respect to the use, distribution or control of the water of inter-state rivers or river valleys.
Statement 3 is correct. The Supreme Court of India **has original jurisdiction** in the dispute regarding the enforcement of Fundamental Rights though it is **not exclusive** as the **High Courts of India** are also

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empowered to issue writs for the enforcement of the Fundamental Rights. That means, a person whose fundamental rights are violated has the option of moving either to the High Court or Supreme Court directly.

Statement 4 is incorrect. The disputes relating to the election of members of Parliament and state legislatures lies under the **original jurisdiction of High courts** whereas the disputes regarding the presidential and Vice-presidential elections lie under the jurisdiction of Supreme Court.

Source: LAXMIKANT (6TH EDITION-SUPREME COURT & HIGH COURT)
https://www.theweek.in/news/india/2020/01/15/explainer-why-kerala-invoked-article-131-while-challenging-centre-supreme-court.html

Q.34) With respect to the Indian Judiciary, consider the following statements:
1. Special Leave Petitions can be filed in Supreme Court only.
2. The Constitution of India itself provides for the Appeal by Special Leave.
3. Special Leave Petitions can be filed for both civil and criminal matters.
Which of the statements given above is/are correct?
a) 1 only
b) 1 and 2 only
c) 2 and 3 only
d) 1, 2 and 3

Ans) d

Exp) Option d is the correct answer.

The Supreme Court is authorised to grant in its discretion special leave to appeal from any judgement in any matter passed by any court or tribunal in the country (except military tribunal and court martial).

Statement 1 is correct: Article 136 in the Constitution of India provides for Special leave to appeal by the Supreme Court. Thus, it can be filed in SC only. Thus, the scope of this provision is very wide and it vests the Supreme Court with a plenary jurisdiction to hear appeals. On the exercise of this power, the Supreme Court itself held that 'being an exceptional and overriding power, it has to be exercised sparingly and with caution and only in special extraordinary situations

Statement 2 is correct: Article 136 in the Constitution of India provides for Appeal by Special Leave to the Supreme Court.

Statement 3 is correct: This SLP provision contains the following four aspects under which it can be filed:

1) It is a discretionary power and hence, cannot be claimed as a matter of right.
2) It can be granted in any judgement whether final or interlocutory.
3) **It may be related to any matter–constitutional, civil, criminal, income-tax, labour, revenue, advocates, etc.**
4) It can be granted against any court or tribunal and not necessarily against a high court (of course, except a military court).

Source: **Indian polity by M. Laxmikant**

Q.35) With reference to 'Facial Recognition Technology', consider the following statements:
1. It is a method of biometric identification of an individual.
2. Each person has unique faceprint like thumbprints, which is utilized by the Facial Recognition Technology.
3. Recently, European Union has made it mandatory to install this technology at all the major international airports in its member states.

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Which of the statements given above is/are correct?
a) 1 only
b) 1 and 2 only
c) 2 and 3 only
d) 3 only

Ans) b

Exp) Option b is the correct answer.

Facial recognition is the technology/software that maps, analyzes, and then confirms the identity of a face in a photograph or video.

Statement 1 is correct. Facial Recognition Technology is a method of biometric identification that uses that body measures, in this case face and head, to verify the identity of a person through its facial biometric pattern and data. The technology collects a set of **unique biometric data of each person** associated with their **face and facial expression** to identify, verify and/or authenticate a person.

Statement 2 is correct. In the same way that thumbprints are unique, each person has their own faceprint. The face capture process of the Face recognition technology transforms analog information (a face) into a set of digital information (data) based on the person's facial features. The face's analysis is essentially turned into a mathematical formula. The numerical code is called a **faceprint.**

Statement 3 is incorrect. European Union has not made any rules to install Face recognition technology in all the major international airports in its member states.

European Union is in the **process of banning** this technology. The **threat to individual privacy** is a significant downside of facial recognition technology. People don't like having their faces recorded and stored in a database for unknown future use. Privacy is such a big issue that some cities, including San Francisco, California and Cambridge, Massachusetts, have banned law enforcement's use of real-time facial recognition surveillance.

Source: Use of facial recognition technology by police is dangerous-ForumIAS Blog
Face Recognition: how it works and its safety (electronicid.eu)
The pros and cons of facial recognition technology | IT PRO

Q.36) With reference to the Competition Commission of India (CCI), consider the following statements:
1. It is a non-statutory body.
2. It has the responsibility to impart training on competition issues.
3. It consists of maximum four members including chairperson.
Which of the statements given above is/are correct?
a) 1 and 2 only
b) 1, 2 and 3
c) 2 only
d) 1 only

Ans) c

Exp) Option c is the correct answer.

Statement 1 is incorrect. Competition Commission of India (CCI) is a **statutory body established under the Competition Act, 2002. It is** tasked with ensuring a fair and healthy competition in economic activities of the country.

Statement 2 is correct. CCI Undertake competition advocacy, create public awareness and impart training on competition issues.

Statement 3 is incorrect. CCI is a quasi-judicial body which has **one chairperson and six other members** appointed by the Central Government.

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Knowledge Base: **Additional Information**

Competition Commission of India

1) It is to act as an antitrust watchdog and ensure that there is no abuse of dominant position by a company in the market.
2) **Functions of CCI**
    a. Eliminate practices that have an adverse impact on competition.
    b. Secure the interest of consumers and ensure that their welfare is not compromised.
    c. Undertake competition advocacy, create public awareness and impart training on competition issues.
    d. Ensure smooth alignment of sectoral regulatory laws and competition laws.
    e. Ensures that foreign companies abide by the country's competition laws.
    f. It guarantees that no enterprise abuses their 'dominant position' through the control of supply, manipulating purchase prices, or adopting practices that deny market access to other competing firms.
    g. Please note: the appeals from CCI goes to National Company Law Appellate Tribunal (NCLAT) constituted under the Companies Act, 2013.

Source: https://www.google.com/amp/s/cleartax.in/g/terms/cci-competition-commission-of-india/amp

Q.37) Which of the following is/are the tools by which the Supreme Court of India can exercise Judicial Activism?

1. Public Interest Litigation
2. Article 142 of the Indian constitution
3. Power of Judicial Review

Select the correct answer using the codes given below:

a) 1 and 3 only
b) 1 only
c) 2 and 3 only
d) 1, 2 and 3

Ans) d

Exp) Option d is the correct answer.

Judicial activism denotes the proactive role played by the judiciary in the protection of the rights of citizens and in the promotion of justice in the society.

Option 1 is correct: The chief instrument through which Judicial Activism has flourished in India is Public Interest Litigation (PIL). In normal course of law, an individual can approach the courts only If he/she has been personally aggrieved. A person whose rights have been violated, or who is involved in a dispute could move the court of law. The concept of Public Interest Litigation (PIL) originated and developed in the USA in the 1960s. In the USA, it was designed to provide legal representation to previously unrepresented groups and interests.

Option 2 is correct: Article 142 of the Indian Constitution, which gives the Supreme Court the authority to issue an order to ensure full justice in the case at hand, is a significant provision in relation to judicial activism.

The Supreme Court's decision in M Siddiq (D) Thr Lrs v. Mahant Suresh Das and Ors (2019) overturned the Allahabad High Court's (2010) ruling in accordance with Article 142 of the Indian constitution, which is an illustration of Judicial Activism.

Option 3 is correct. The concept of **judicial activism is inherent in judicial review. Judicial Review** empowers the court to uphold the constitution and declare the laws and action inconsistent with the

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constitution as void. Judicial activism is necessary for ensuring proper discharge of duties by other organs. Judicial activism, as regards constitutional cases, falls under the rubric of what is commonly called judicial review.
Source:
https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjCkuuc1uv6AhXQtWMGHbQhAPcQFnoECAgQAw&url=https%3A%2F%2Fblog.ipleaders.in%2Fjudicial-activism%2F%23%3A~%3Atext%3DArticle%2520142%2520of%2520the%2520Indian%2Cin%2520relation%2520to%2520judicial%2520activism.&usg=AOvVaw226B_2CM-xWENWq-PSTZC6
Indian constitution at work NCERT class 11th. Page no-135,136,137.

Q.38) Which of the following action will most likely fall in the category of 'Contempt of Court'?
a) Comment on the administrative side of the judiciary.
b) Willful breach of an undertaking given to a Court.
c) Criticism of the judicial acts in any manner.
d) Reporting judicial proceedings without the permission of the Court.

Ans) b
Exp) Option b is the correct answer.
The term 'Contempt of Court' has not been defined by the Constitution. However, it has been defined by the Contempt of Court Act of 1971. Both the Supreme Court and the High Courts have the power to punish for contempt of court, either with simple imprisonment or with fine or both.
Civil Contempt Vs Criminal Contempt
The Contempt of Court can be 'civil' or 'criminal'. Civil Contempt is the willful disobedience of any judgement, order, writ or other process of a court or **willful breach of an undertaking given to a court. (Hence, Option b is correct)**
Criminal Contempt is the publication of any matter or doing an act which:
1) Scandalises or lowers the authority of a court (The expression "scandalising the court" has not been defined); or
2) Prejudices or interferes with the due course of a judicial proceeding; or
3) Interferes or obstructs the administration of justice in any other manner.
However, the following are 'not' considered 'Contempt of Court':
1) Innocent publication and distribution of some matter;
2) Fair and accurate report of judicial proceedings; **(Hence, Option d is not correct)**
3) Fair and reasonable criticism of judicial acts; and
4) Comment on the administrative side of the judiciary. **(Hence, Option a is not correct)**
In Shiv Shankar Case (1988), the Supreme Court held that **a criticism of the court that does not impair and hamper the administration of justice cannot be punished as contempt. (Hence, Option c is not correct)**
Source: **Page 629, Chapter 26, Indian polity by M. Laxmikant**
https://frontline.thehindu.com/other/article30243868.ece

Q.39) Consider the following statements:
1. Only the Bar Council of India has the authority to designate an Advocate as 'Senior Advocate'.
2. Only the 'Advocates-on-Record' are entitled to file a matter or document before the Supreme Court.
3. Only the 'Senior Advocates' and the 'Advocates-on-Record' can argue a matter in the Supreme Court.
Which of the statements given above is/are correct?
a) 1 only
b) 1 and 2 only
c) 2 only
d) 2 and 3 only

Ans) c

Exp) Option c is the correct answer.

Three categories of Advocates are entitled to practice law before the Supreme Court. They are: Senior Advocates, Advocates-on-Record and Other Advocates.

Statement 1 is incorrect: Senior Advocates **are Advocates who are designated as such by the Supreme Court of India or by any High Court.** The Court can designate any Advocate, with his consent, as Senior Advocate if in its opinion by virtue of his ability, standing at the Bar or special knowledge or experience in law the said Advocate is deserving of such distinction. A Senior Advocate is not entitled to appear without an Advocate-on-Record in the Supreme Court or without a junior in any other court or tribunal in India.

Statement 2 is correct: Only Advocates-on-Record are entitled to file any matter or document before the Supreme Court. They can also file an appearance or act for a party in the Supreme Court.

Statement 3 is incorrect: Other Advocates are advocates whose names are entered on the roll of any State Bar Council maintained under the Advocates Act, 1961 and **they can appear and argue any matter on behalf of a party in the Supreme Court** but they are not entitled to file any document or matter before the Court.

Source: Page 629, Chapter 26, Indian polity by M. Laxmikant

Q.40) India is the world's largest recipient of remittances in 2021. In this context, which of the following is/are correct reason for the increase in remittances in India during this period?

1. Higher global fuel prices
2. Economic recovery in the United States of America
3. Accelerated development of Fintech and digital transfer apps

Select the correct answer using the codes given below:

a) 1 and 2 only
b) 2 only
c) 2 and 3 only
d) 1, 2 and 3

Ans) d

Exp) Option d is the correct answer.

This question is based on the article "India, world's largest recipient of remittances, received $87 billion in 2021: World Bank" published by **Indian Express** on **18th Nov 2021.**

The World Bank has released its Migration and Development Brief Report. **India is the world's largest recipient of remittances**. It received $87 billion in 2021. India had received over $83 billion in remittances in 2020. It is generally observed that **exchange rate, oil price, and domestic GDP** have a substantial impact on India's inward remittances. The United States was the biggest source of remittance for India, accounting for over 20% of these funds.

Reasons for the increase in Remittances:

1) As the global economy treads on nascent recovery from the coronavirus pandemic, Oil prices have risen. The Indian migrants (mostly in gulf countries) are more vulnerable to the oil price shocks. **Stronger oil prices and the resulting pickup in economic activity in Gulf** led to higher remittances in India. **Hence option 1 is correct.**
2) **Savings repatriation:** A portion of the recorded rise in remittances could represent repatriated savings of emigrants returning home after losing their jobs or not finding new opportunities. Remittance flows from migrants have greatly complemented government cash transfer programs to support families suffering economic hardships during the COVID-19 crisis.

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3) Migrants' determination to support their families in times of need, aided by economic **recovery in Europe and the United States** which in turn was supported by the Fiscal Stimulus and employment support programs. **Hence option 2 is correct.**
4) The shift to more formal channels was facilitated by the **accelerated development of Fintech and digital transfer apps** such as G-pay and Alipay, which have made the digital transfer of funds more accessible and cheaper per transaction, leading to an overall increase in remittances. **Hence option 3 is correct.**

Source: India, world's largest recipient of remittances, received $87 billion in 2021: World Bank -ForumIAS Blog
Macroeconomic determinants of remittances to India | SpringerLink
In charts: How the pandemic affected remittances to India - Times of India (indiatimes.com)

Q.41) The power to increase the number of judges in the Supreme Court of India is vested in
a) the President of India
b) the Parliament
c) the Chief Justice of India
d) the Law Commission

Ans) b
Exp) Option b is the correct answer.
The power to **increase the number of judges** in the Supreme Court of India is **vested in the Parliament**. At present, the Supreme Court consists of thirty-four judges (one chief justice and thirty-three other judges). In 2019, the centre notified an increase in the number of Supreme Court judges from thirty-one to thirty-four, including the Chief Justice of India. This followed the enactment of the Supreme Court (Number of Judges) Amendment Act, 2019. Originally, the strength of the Supreme Court was fixed at eight (one chief justice and seven other judges).
Source) UPSC CSE 2014

Q.42) Consider the following statements:
1. The Constitution declares only the Supreme Court as a 'Court of Record' and no such status is accorded to High Courts.
2. Supreme Court Records are of evidentiary value and cannot be questioned when produced before any court.
Which of the statements given above is/ are correct?
a) 1 only
b) 2 only
c) Both 1 and 2
d) Neither 1 nor 2

Ans) b
Exp) Option b is the correct answer.
A **court of record is a trial court or appellate court in which a record of the proceedings is captured and preserved**, for the possibility of appeal. **Article 129 declares** S**upreme Court to be a court of record.**
Statement 1 is incorrect: The constitution declares both the High courts and Supreme Court as court of record.
The constitution under Article 215 gives High Courts to act as courts of record. Every High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself. Article 129 declares the Supreme Court a court of record.

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Statement 2 is correct: As a Court of Record, the **judgments, proceedings, and acts of the Supreme Court are recorded for perpetual memory** and testimony. Such **records are admitted to be of evidentiary value and cannot be questioned** when produced before any court. They are recognized as legal precedents and legal references.
Source: Indian Polity by Laxmikanth, 6th Edition: Chapter-26

Q.43) According to Part 5 of the Constitution, which of the following constitute a part of the Union Executive?
1. The President
2. Comptroller and Auditor General of India.
3. The Supreme Court
4. The Attorney General
5. The Prime Minister
Select the correct answer using the codes given below:
a) 1 and 5 only
b) 2, 4 and 5 only
c) 1, 4 and 5 only
d) 1, 2, 3, 4 and 5

Ans) c
Exp) Option c is the correct answer.
Part V of the Indian constitutes of the executive, parliament, legislative powers of president, the union judiciary and Comptroller and Auditor General of India.
Articles 52 to 78 in Part V of the Constitution deal with the Union executive. The Union executive consists of **the President, the Vice- President, the Prime Minister, the council of ministers and the attorney general of India**.
Source: https://www.india.gov.in/my-government/whos-who/members-parliament
Indian polity by M Laxmikath pdf. Chapter name- President, chief minister, council of minister.
Indian constitution at work NCERT Class 11th. Chapter name- Judiciary.

Q.44) Consider the following statements with reference to the High Courts in India:
1. The pensions of judges of High Courts are charged on the Consolidated Fund of the state.
2. A decision regarding the transfer of a High Court judge cannot be challenged in any court.
3. The jurisdiction and powers of a High Court cannot be changed by the state legislature in any manner.
Which of the statements given above is/are ***incorrect***?
a) 3 only
b) 2 and 3 only
c) 1 only
d) 1, 2 and 3

Ans) d
Exp) Option d is the correct answer.
Statement 1 is incorrect: The salaries, allowances and pensions of the Supreme Court judges and the staff as well as all the administrative expenses of the **Supreme Court are charged on the Consolidated Fund of India.** Thus, they are non-votable by the Parliament (though they can be discussed by it). The salaries and allowances of the High Court judges, the **salaries, allowances** and pensions of the staff as well as the administrative expenses **of a high court are charged on the consolidated fund of the state.** Thus, they are

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non-votable by the state legislature (though they can be discussed by it). However, the **pension of a high court judge is charged on the Consolidated Fund of India and not the state.**

Statement 2 is incorrect: In 1977, the Supreme Court ruled that the transfer of high court judges could be resorted to only as an exceptional measure and only in the public interest and not by way of punishment. Again in 1994, the **Supreme Court held that judicial review is necessary to check arbitrariness in transfer of judges. But only the judge who is transferred can challenge** it.

Statement 3 is incorrect: The jurisdiction and powers of a high court in so far as they are specified in the Constitution cannot be curtailed both by the Parliament and the state legislature. But, in other respects, the **jurisdiction and powers of a high court can be changed both by the parliament and the state legislature.**

Source: Indian Polity by Laxmikanth, 6th Edition: Chapter-34

Q.45) With reference to 'Ecological Sustainability', why preserving landraces (wild crops) is important?

1. Adaptation to environmental stress
2. Boosting Farmers income
3. Promoting Animal Diversity
4. Nutritional Security

Select the correct answer using the codes given below:

a) 1 and 3 only
b) 1, 2 and 4 only
c) 2, 3 and 4 only
d) 1 and 4 only

Ans) b

Exp) Option b is the correct answer.

Landrace refers to the domesticated and locally adapted variety of a species of animal or plant. It develops over time, through adaptation to its natural and cultural environment.

Thus, it also refers to **naturally occurring variants** of commonly cultivated crops. These are different from commercially grown crops, which are developed by selective breeding (hybrids) or through genetic engineering to express a certain trait over others.

Why preserving landraces is important?

1) **Adaptation to environmental stress:** Genetic diversity ensures a natural mechanism for crops to develop traits to face challenging situations. However, given the large-scale human interference in crop selection and breeding, that ability is now lost in most commercially crops. **Hence option 1 is correct.**
2) On the other hand, naturally occurring landraces still have a large pool of still untapped genetic material, which can provide solutions to climate change induced biotic and abiotic stress factors.
3) **Boosting farmers income**: With proper agricultural practices, landraces can give better yield with lower input costs. **Hence option 2 is correct.**
4) **Nutritional security**: Landraces are richer in nutrients than commercially grown variants. **Hence option 4 is correct.**

Promoting Animal diversity is not related to preservation of Wild crops and the not the reason for preservation of Landraces (wild crops). Hence option 3 is not correct.

Source: In age of hybrid crops, the importance of preserving landraces-ForumIAS Blog

Q.46) Consider the following statements with reference to the High Court's power of Judicial review:

1. The Constitution explicitly confer the power of judicial review on High Courts.
2. High Courts are barred from considering the constitutional validity of any central law.

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Which of the statements given above is/ are correct?
a) 1 only
b) 2 only
c) Both 1 and 2
d) Neither 1 nor 2

Ans) a
Exp) Option a is the correct answer.
Judicial review is the power of a high court to examine the constitutionality of legislative enactments and executive orders.
Statement 1 is correct: Though the phrase 'judicial review' has nowhere been used in the Constitution, **the provisions of Articles 13 and 226 explicitly confer the power of judicial review on a high court.** The constitutional validity of a legislative enactment or an executive order can be challenged in a high court on various grounds such as infringement of fundamental rights.
Statement 2 is incorrect: High Courts can look into the constitutional validity of laws made by both the Central government and the state governments. On examination, if they are found to be violative of the Constitution (ultra-vires), they can be declared as illegal, unconstitutional and invalid (null and void) by the high court. Consequently, they cannot be enforced by the government.
Source: Indian Polity by Laxmikanth, 6th Edition: Chapter-34

Q.47) Consider the following statements with respect to the Pre-Constitution agreements and treaty:
1. It means such an agreement which was executed before the commencement of the Constitution and which continues to be in operation after commencement.
2. The original jurisdiction of the Supreme Court does not extend to any dispute arising out of any pre-constitution treaty and agreement.
3. The President cannot seek the opinion of the Supreme Court on any pre-constitution legal matters.
Which of the statements given above is/are correct?
a) 1 and 2 only
b) 2 and 3 only
c) 1 only
d) 1, 2 and 3

Ans) a
Exp) Option a is the correct answer.
Pre-constitutional laws are the ones which were enacted and enforced before the Indian Constitution came into existence.
Statement 1 is correct: Pre-Constitution agreement means that, which have been **entered into or executed before the commencement of the Constitution** and which **continues to be in operation** after such commencement.
Statement 2 is correct: As a federal court, the Supreme Court has exclusive original jurisdiction with regards to any dispute:
1) Between the Centre and one or more states; or
2) Between the Centre and any state or states on one side and one or more other states on the other side; or
3) Between two or more states.

However, this jurisdiction of the Supreme Court **does not extend a dispute arising out of any pre-Constitution treaty, agreement,** covenant, engagement, sanad or other similar instrument.

Statement 3 is incorrect: Article 143 authorises the President to seek the opinion of the Supreme Court in the two categories of matters:

1) On any question of law or fact of public importance which has arisen or which is likely to arise.
2) **On any dispute arising out of any pre-constitution treaty, agreement,** covenant, engagement, sanad or other similar instruments.

Source: Indian Polity, M. Laxmikanth, 6th Edition, Chapter-26, Supreme Court

Q.48) Consider the following statements with reference to the Central Administrative Tribunal (CAT):
1. Appeals against the orders of the CAT could be made only in the Supreme Court.
2. Its jurisdiction does not extend to the secretarial staff of the Parliament.
3. It is a multi-member body consisting of a Chairman and a Vice-chairman.
Which of the statements given above is/are correct?
a) 3 only
b) 2 only
c) 1 and 2 only
d) 2 and 3 only

Ans) b

Exp) Option b is the correct answer

The Central Administrative Tribunal (CAT) was established in 1985 through the Administrative Tribunals Act. The CAT is responsible for adjudication or trial of matters connected with recruitment and conditions of service of personnel in public service in India.

Statement 1 is incorrect: Originally, appeals against the orders of the CAT could be made only in the Supreme Court and not in the high courts. However, in the Chandra Kumar case (1997), the Supreme Court declared this restriction on the jurisdiction of the high courts as unconstitutional, holding that judicial review is a part of the basic structure of the Constitution. **It laid down that appeals against the orders of the CAT shall lie before the division bench of the concerned high court.** Consequently, now it is not possible for an aggrieved public servant to approach the Supreme Court directly against an order of the CAT, without first going to the concerned high court.

Statement 2 is correct: The CAT exercises original jurisdiction in relation to recruitment and all service matters of public servants covered by it. Its jurisdiction extends to the all-India services, the Central civil services, civil posts under the Centre and civilian employees of defence services. However, **the members of the defence forces, officers and servants of the Supreme Court and the secretarial staff of the Parliament are not covered by it.**

Statement 3 is incorrect: The **CAT is a multi-member body consisting of a chairman and members**. Originally, the CAT consisted of a Chairman, Vice- Chairman and members. Later, in 2006, the provision for the Vice- Chairman was removed by the Administrative Tribunals (Amendment) Act, 2006. **Hence, there are now no Vice-Chairman in the CAT.**

Source: Indian Polity by Laxmikanth, 6th Edition: Chapter-35

Q.49) With reference to the First Information Report (FIR), consider the following statements:
1. The term 'First Information Report' is defined in the Code of Criminal Procedure, 1973.
2. A police station can register a 'Zero FIR' even if the offence was committed outside its jurisdiction.
3. Only a person, who is either the victim of offence or an eyewitness to the offence, can file the FIR.
Which of the statements given above is/are correct?
a) 1 only
b) 1 and 2 only
c) 2 only
d) 2 and 3 only

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Ans) c

Exp) Option c is the correct answer.

First Information Report (FIR): It is with the registration of an FIR that the police can begin their investigations into a crime. The FIR usually mentions the date, time and place of the offence, details the basic facts of the offence, including a description of the events. There is a prescribed form in which the police register an FIR and it is signed by the complainant. The complainant also has a legal right to get a free copy of the FIR from the police.

Statements 1 is incorrect: The term First Information Report (FIR) **is not defined in the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), 1973, or in any other law.** FIR is the information given to a police officer as per the provisions of Section 154 of the Code of Criminal Procedure (CrPC).

There are three important elements of an FIR:

1) the information must relate to the commission of a cognizable offence
2) it should be given in writing or orally to the head of the police station and,
3) it must be written down and signed by the informant, and its key points should be recorded in a daily diary.

Statement 2 is correct. A zero FIR can be filed in any police station, regardless of whether the offence was committed under the jurisdiction of that particular police station.

When a police station receives a complaint regarding an alleged offence that has been committed in the jurisdiction of another police station, it registers an FIR, and then transfers it to the concerned police station for further investigation. This is called a Zero FIR.

No regular FIR number is given. After receiving the Zero FIR, the concerned police station registers a fresh FIR and starts the investigation.

Statement 3 is incorrect. All an informant has to do to file an FIR is to visit the local police station and furnish information, orally or in writing, about the commission of an offence. Further, a**nyone can file an FIR – the person approaching the police does not necessarily have to be the victim of or an eyewitness to an offence**.

Knowledge Base:

What is the difference between a complaint and an FIR?

The CrPC defines a "complaint" as "any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but does not include a police report."

However, an FIR is the document that has been prepared by the police after verifying the facts of the complaint. The FIR may contain details of the crime and the alleged criminal.

Source: https://indianexpress.com/article/explained/everyday-explainers/fir-cognizable-offence-ipc-explained-7780266/#:~:text=In%20essence%20then%2C%20there%20are,should%20be%20recorded%20in%20a
https://ncert.nic.in/textbook.php?hess3=6-10

Q.50) With reference to the 'Early Harvest Agreements', consider the following statements:

1. They are signed between two countries to liberalize tariffs on certain goods before the finalization of a Free Trade Agreement.
2. Until now, India has not signed any Early Harvest Agreements with any country due to its past experiences with trade deals.

Which of the statements given above is/are correct?

a) 1 only
b) 2 only
c) Both 1 and 2
d) Neither 1 nor 2

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Ans) a

Exp) Option a is the correct answer.

Statement 1 is correct. An Early Harvest Scheme (EHS) is **an agreement between two states (or regional trading blocs) which liberalizes tariffs on certain goods preceding the conclusion of a** Free Trade Agreement (FTA). Signing Early Harvest Agreements is often cited as good strategy since it signals commitment from both nations and starts trade in a small way.

Statement 2 is incorrect. India is about to sign early-harvest agreements and negotiating free trade agreements (FTAs) with the UK, the European Union, and the United Arab Emirates. **India has signed early-harvest deal with Thailand and Singapore. India-Australia Economic Cooperation and Trade Agreement is also an early harvest deal signed by the two countries.**

Some experts believe the targets are too big right now and we are understaffed at present.

India should be mindful of the past experience of FTAs, especially concerning EHAs, since they have resulted in adverse developments for India. Besides, it also expanded trade deficit.

FTA with Thailand also had an EHA component. It resulted in an inverted duty structure and India suffered quite a bit.

Source: India must tread with caution on early-harvest deals, say experts -ForumIAS Blog

https://www.dezshira.com/library/qa/what-is-an-early-harvest-scheme-ehs-and-what-role-have-they-played-in-india-s-development-of-free-trade-agreements-ftas-or-regional-trade-agreements-rtas-with-its-neighbors-3081.html

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